



2014-15  
MONTHLY  
FINANCIAL REPORT

AS OF  
August 31, 2014

Prepared by: Finance

September 22, 2014  
Cottonwood Heights

The Honorable Mayor and Members of the City Council:

The monthly financial report for the 2014-2015 fiscal year, month ending August 31, 2014 is presented for your review and comment. The prior fiscal year of 2014 is reconciled and capital assets are being calculated and recorded. Annual Financial Statements have been started to be compiled.

**General Fund – Revenue**

Real Property Taxes - Deferred calendar year 2014 revenues have been posted into fiscal 2015 along with current monthly revenues, if any.

Sales Tax Collections – Collections for the city occur two months behind the merchant's collection and are first reported on our September Financial Report.

E911 Emergency Fees – The City continues to receive a part of the E911 revenues generated on telephones within the City boundaries.

Fee-In-Lieu of Property Taxes – Deferred calendar year 2014 revenues have been posted into fiscal 2015 along with any current monthly revenues.

Franchise Taxes (Cable TV) – This revenue source reports and pays on a quarterly basis and will first show on our October or November Financial Report. This revenue continues to increase slightly year over year.

Transient Room Tax Collections – This tax collection is reported by entities on the same schedule as general sales tax reporting.

Licenses and Permits –Business Licensing' activity is on target. Building permits have started this year on target. Road Cuts revenues are billed monthly along with over the counter payments. Animal licensing collections are entering their seventh year.

Intergovernmental Revenues – Class C road funds are paid bi-monthly. Liquor Funds are distributed once a year in December. Other Federal Grants (CDBG) are reimbursed to the City as expenses are submitted for funding.

Charges for Service – Zoning revenues are on target for the year. Billings for annual inspections of short term rentals as part of their annual business licensing have been correctly reflected as a current July revenue.

Fines and Forfeitures – Primary revenues from tickets processed through Holladay Justice court are reconciled and collected quarterly.

Miscellaneous/Interest – The interest earnings on our PTIF account with the State Treasurer is split among General Fund and Capital Projects Fund and other designated fund balances. Total earnings in all funds in the PTIF for the fiscal year are \$6,306 and are mostly credited to Capital Projects Fund balance.

### **General Fund – Expenditures**

General Government – All department expenditures are within budgeted amounts. Some departments have large annual expenditures during the first period of the year.

Public Safety - The Public Safety department includes police, fire and ordinance enforcement. The police department is within budget year to date. The fire department is billed quarterly and reflects payments for services through fiscal year-end September 30<sup>th</sup>. Ordinance Enforcement is within budget.

Highways & Public Improvements – Public Works expenditures are within budget. Impact Fee Programs include both Storm Water and Transportation fee projects. The Class C Road program budget is primarily for street lighting, water and the Salt Lake County Public Works roads contract.

Community and Economic Development - All department expenditures are within budget.

Debt Service - The City has a capital lease for leased public safety vehicles. Interest on this debt is accrued to the fiscal year in which it was earned.

### **General Fund - Other Financing Sources and Uses**

Unrestricted General Fund Balance Appropriated – This budgeted balance has been budgeted at \$471,063 from fiscal year 2014 fund balance.

Appropriated Beg Balances – Class C Road funds' carried forward from the prior year is estimated at zero.

Transfers - Transfers to the Capital Projects fund are budgeted and primarily expended at year-end when available funds are known. There is no budgeted transfer to Capital Projects.

### **General Fund – Fund Balance**

Fund Balance - The Beginning Balance of Unrestricted and Unassigned funds for fiscal year 2015 is currently estimated at \$1,462,615. The Unrestricted Assigned General Fund Balance is a 6.0 percent reserve of \$924,392. Of the Unrestricted and Unassigned General Funds \$471,063 has been appropriated.

### **Capital Projects – Revenue**

Revenue - Interest calculations are based on the PTIF earnings rate at the State of Utah Treasurer's Pool account for the City.

### **Capital Projects - Expenditures**

General Government – This budget includes \$15,836,906 for projects and engineering. Various projects are itemized as line items in this report.

### **Capital Projects – Other Financing Sources / Uses**

Transfers from General Fund – There is no budgeted transfer from the General Fund. Any possible transfers in the fiscal year will be made when annual revenues and expenditures are known and available funds are known at year end.

Reimbursements – Sales Tax Revenue Bonds – These funds come from the Sale Tax Revenue Bonds issued July 2, 2014. Reimbursements of amounts spent in fiscal year 2014 have been reimbursed in fiscal year 2015.

Unrestricted Assigned Capital Projects Appropriated Beg Bal – The current estimated amount of \$15,635,855 represents the prior year's estimated ending fund balance and includes the sales tax revenue bond revenues of \$10,460,959. It has been calculated that there is an additional \$1,264,700 of unspent funds remaining from fiscal year 2014. All prior budgeted capital projects that were unspent in fiscal year 2014 will be reviewed and re-appropriated through budget amendments in 2015 along with any additional available funds.

### **Employee Benefits Fund – an Internal Service Fund**

The purpose of this fund is to pay as you go with regards to employee's accrued benefits. This report shows the total balance in the PTO liability account and any uses during the reporting period. The year-end calculated amount of the potential future liability for lump sum payouts has been funded. By doing so the City should never find itself with an unexpected or unfunded employee benefit liability. This was funded \$1597.01 in FY 2014 based on actual accrued employee PTO (Personal Time Off) and is budgeted to receive an additional \$104,371 funding at year-end, but this annual amount may be reduced in the future when additional actual needs are reassessed. Current funded liability balance is \$317,628.

### Community Events & Activity Summary

This report is a compilation of various activities that are tracked to collect data by project or activity. The amounts shown are as of the date of the report.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Fawcett", with a long horizontal flourish extending to the right.

Steve Fawcett  
Finance Director  
Cottonwood Heights  
*"City between the Canyons"*

COTTONWOOD HEIGHTS  
11 - GENERAL FUND

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES - BUDGET AND ACTUAL  
FOR THE FISCAL PERIOD ENDING August 31, 2014

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REVENUES	ADOPTED BUDGET	AMENDED BUDGET	CURRENT MONTH ACTUAL	YTD ACTUAL	OUTSTANDING CURRENT YTD ENCUMBRANCE	BUDGET VARIANCE POS (NEG)	YTD ACTUAL % OF AMENDED BUDGET
<b>TAXES</b>							
REAL PROPERTY TAXES	\$ 6,589,477	\$ 6,589,477	\$ 36,473	\$ 365,657	\$ -	\$ (6,223,820)	6%
GENERAL SALES AND USE TAXES	5,300,000	5,300,000	-	-	-	(5,300,000)	0%
E911 EMERGENCY TELEPHONE FEES	265,000	265,000	-	-	-	(265,000)	0%
FEE-IN-LIEU OF PROPERTY TAXES	390,000	390,000	38,227	215,945	-	(174,055)	55%
FRANCHISE TAXES - CABLE TV	331,700	331,700	-	-	-	(331,700)	0%
INNKEEPER TAX	25,000	25,000	-	-	-	(25,000)	0%
<b>TOTAL TAXES</b>	<b>12,901,177</b>	<b>12,901,177</b>	<b>74,700</b>	<b>581,603</b>	<b>-</b>	<b>(12,319,574)</b>	<b>5%</b>
<b>LICENSES AND PERMITS</b>							
BUSINESS LICENSES AND PERMITS	220,000	220,000	22,134	53,332	-	(166,668)	24%
BUILDINGS, STRUCTURES AND EQUIPMENT	405,600	405,600	32,970	76,943	-	(328,657)	19%
ROAD CUT FEES	35,000	35,000	1,225	3,600	-	(31,400)	10%
ANIMAL LICENSES	10,000	10,000	1,046	2,241	-	(7,759)	22%
<b>TOTAL LICENSES AND PERMITS</b>	<b>670,600</b>	<b>670,600</b>	<b>57,375</b>	<b>136,116</b>	<b>-</b>	<b>(534,484)</b>	<b>20%</b>
<b>INTERGOVERNMENTAL REVENUE</b>							
FEDERAL GRANTS	-	-	-	-	-	-	0%
JUSTICE ASSISTANCE GRANT	-	-	-	-	-	-	0%
BVP - Bullet Proof Vest Program	-	-	-	-	-	-	0%
CRIME VICTIM ASSISTANCE GRANT	20,000	20,000	-	-	-	(20,000)	0%
HOMELAND SECURITY GRANTS	-	-	-	-	-	-	0%
STATE CLICK IT TICKET	-	-	-	-	-	-	0%
HIGHWAY SAFTEY DUI OT GRANT	-	-	-	-	-	-	0%
JUV ALC ENF - EZ GRANT	-	-	-	-	-	-	0%
CLASS C ROADS	1,090,000	1,090,000	-	-	-	(1,090,000)	0%
LIQUOR FUND ALLOTMENT	45,000	45,000	-	-	-	(45,000)	0%
LOCAL GRANTS	-	-	3,887	3,887	-	3,887	0%
MISC LOCAL GRANTS	-	-	-	-	-	-	0%
ULGT GRANT	-	-	-	-	-	-	0%
<b>TOTAL INTERGOVERNMENTAL REVENUE</b>	<b>1,155,000</b>	<b>1,155,000</b>	<b>3,887</b>	<b>3,887</b>	<b>-</b>	<b>(1,151,113)</b>	<b>0%</b>
<b>CHARGES FOR SERVICE</b>							
ZONING AND SUB-DIVISION FEES	60,000	60,000	1,050	41,587	-	(18,413)	69%
SALE OF MAPS AND PUBLICATIONS	-	-	-	36	-	36	0%
VARIOUS OTHER FEES	5,500	5,500	1,250	1,250	-	(4,250)	23%
<b>TOTAL CHARGES FOR SERVICE</b>	<b>65,500</b>	<b>65,500</b>	<b>2,300</b>	<b>42,873</b>	<b>-</b>	<b>(22,627)</b>	<b>65%</b>
<b>FINES AND FORFEITURES</b>							
COURTS FINES	535,000	535,000	63	63	-	(534,937)	0%
FORFEITURES	-	-	8,251	8,251	-	8,251	0%
<b>TOTAL FINES AND FORFEITURES</b>	<b>535,000</b>	<b>535,000</b>	<b>8,314</b>	<b>8,314</b>	<b>-</b>	<b>(526,686)</b>	<b>2%</b>
<b>MISCELLANEOUS REVENUE</b>							
INTEREST REVENUES	14,000	14,000	(150)	1,320	-	(12,680)	9%
MISCELLANEOUS REVENUES	35,853	35,853	76	1,665	-	(34,188)	5%
SALE OF SURPLUS ASSETS	-	-	10,000	15,286	-	15,286	0%
POLICE RECORDS REVENUES	15,000	15,000	842	537	-	(14,463)	4%
EVENT REVENUES	14,401	14,401	3,781	22,263	-	7,862	155%
<b>TOTAL MISCELLANEOUS REVENUE</b>	<b>79,254</b>	<b>79,254</b>	<b>14,549</b>	<b>41,071</b>	<b>-</b>	<b>(38,183)</b>	<b>52%</b>
<b>TOTAL REVENUES</b>	<b>\$ 15,406,531</b>	<b>\$ 15,406,531</b>	<b>\$ 161,124</b>	<b>\$ 813,884</b>	<b>\$ -</b>	<b>\$ (14,592,667)</b>	<b>5%</b>

FOR ADMINISTRATION USE ONLY

17% OF THE FISCAL YEAR HAS ELAPSED

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COTTONWOOD HEIGHTS  
11 - GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES - BUDGET AND ACTUAL  
FOR THE FISCAL PERIOD ENDING August 31, 2014

DESCRIPTION	ADOPTED BUDGET	AMENDED BUDGET	CURRENT MONTH ACTUAL	YTD ACTUAL	OUTSTANDING CURRENT YTD ENCUMBRANCE	BUDGET VARIANCE POS (NEG)	YTD ACTUAL % OF AMENDED BUDGET
<b>EXPEDITURES</b>							
<b>GENERAL GOVERNMENT</b>							
<b>LEGISLATIVE</b>							
MAYOR & CITY COUNCIL	\$ 540,108	\$ 540,108	\$ 21,683	\$ 76,773	\$ -	\$ 463,335	14%
PLANNING COMMISSION	6,000	6,000	-	125	-	5,875	2%
LEGISLATIVE COMMITTEES & SPECIAL BODIES	144,000	144,000	31,591	63,614	-	80,386	44%
<b>TOTAL LEGISLATIVE</b>	690,108	690,108	53,274	140,512	-	549,596	20%
<b>JUDICIAL</b>							
COURTS & CITY PROSECUTOR & DEFENDER	365,000	365,000	-	-	-	365,000	0%
LIQUOR TAX FUNDS	35,000	35,000	-	-	-	35,000	0%
<b>TOTAL JUDICIAL</b>	400,000	400,000	-	-	-	400,000	0%
<b>EXECUTIVE AND CENTRAL STAFF</b>							
CITY MANAGER & GENERAL GOVERNMENT	716,590	716,590	55,128	129,525	-	587,065	18%
CITY MANAGER-EMERGENCY MANAGEMENT	30,600	30,600	-	1,955	-	28,645	6%
INFORMATION TECHNOLOGY	137,100	137,100	3,902	11,999	-	125,101	0%
<b>TOTAL EXECUTIVE &amp; CENTRAL STAFF</b>	884,290	884,290	59,030	143,480	-	740,810	16%
<b>ADMINISTRATIVE AGENCIES</b>							
FINANCE	377,381	377,381	41,718	70,077	-	307,304	19%
ATTORNEY	227,482	227,482	26,340	49,793	-	177,689	22%
ADMINISTRATIVE SERVICES/RECORDER	462,367	462,367	54,013	90,154	-	372,212	19%
ELECTIONS	-	-	-	-	-	-	0%
<b>TOTAL ADMINISTRATIVE AGENCIES</b>	1,067,230	1,067,230	122,071	210,024	-	857,206	20%
<b>TOTAL GENERAL GOVERNMENT</b>	3,041,628	3,041,628	234,375	494,016	-	2,547,612	16%
<b>PUBLIC SAFETY</b>							
POLICE	5,249,542	5,249,542	572,896	1,070,986	3,951	4,174,605	20%
FIRE	3,466,008	3,466,008	-	833,925	-	2,632,083	24%
ORDINANCE ENFORCEMENT	153,882	153,882	18,019	29,031	-	124,851	19%
<b>TOTAL PUBLIC SAFETY</b>	8,869,433	8,869,433	590,915	1,933,943	3,951	6,931,539	22%
<b>HIGHWAYS AND PUBLIC IMPROVEMENTS</b>							
PUBLIC WORKS (NON-CLASS C)	1,444,425	1,444,425	176,378	230,254	-	1,214,171	16%
IMPACT FEE PROGRAM	-	-	-	-	-	-	0%
CLASS C ROAD PROGRAM	1,090,000	1,090,000	3,440	3,290	-	1,086,710	0%
<b>TOTAL HIGHWAYS AND PUBLIC IMPROVEMENT</b>	2,534,425	2,534,425	179,818	233,544	-	2,300,881	9%
<b>COMMUNITY AND ECONOMIC DEVELOPMENT</b>							
COMMUNITY AND ECONOMIC DEVELOPMENT	70,000	70,000	4,130	6,473	-	63,527	9%
PLANNING	445,632	445,632	47,435	81,786	-	363,845	18%
ENGINEERING	560,000	560,000	21,540	21,540	-	538,460	4%
<b>TOTAL COMMUNITY &amp; ECONOMIC DEVELOPMENT</b>	1,075,632	1,075,632	73,106	109,800	-	965,832	10%

COTTONWOOD HEIGHTS  
11 - GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES - BUDGET AND ACTUAL  
FOR THE FISCAL PERIOD ENDING August 31, 2014

DESCRIPTION	ADOPTED BUDGET	AMENDED BUDGET	CURRENT MONTH ACTUAL	YTD ACTUAL	OUTSTANDING CURRENT YTD ENCUMBRANCE	BUDGET VARIANCE POS (NEG)	YTD ACTUAL % OF AMENDED BUDGET
<b>DEBT SERVICE</b>							
INTEREST AND PRINCIPAL	356,476	356,476	-	11,682	-	344,794	3%
<b>TOTAL DEBT SERVICE</b>	356,476	356,476	-	11,682	-	344,794	3%
<b>TOTAL EXPENDITURES</b>	<u>\$ 15,877,593</u>	<u>\$ 15,877,593</u>	<u>\$ 1,078,213</u>	<u>\$ 2,782,984</u>	<u>\$ 3,951</u>	<u>\$ 13,090,658</u>	<u>18%</u>
<b>EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES</b>	<u>\$ (471,062)</u>	<u>\$ (471,062)</u>	<u>\$ (917,089)</u>	<u>\$ (1,969,121)</u>	<u>\$ (3,951)</u>	<u>\$ (1,502,009)</u>	
<b>OTHER FINANCING SOURCES</b>							
UNRESTRICTED GENERAL FUND BEG BAL APPROPRIATED	471,063	471,063	-	471,063	-	0	100%
RESTRICTED CLASS C ROADS BEG BAL (estimated)	-	-	-	-	-	-	0%
<b>TOTAL OTHER FINANCING SOURCES</b>	<u>471,063</u>	<u>471,063</u>	<u>-</u>	<u>471,063</u>	<u>-</u>	<u>0</u>	<u>100%</u>
<b>Subtotal Available Revenues &amp; Sources</b>	<u>0</u>	<u>0</u>	<u>(917,089)</u>	<u>(1,498,058)</u>	<u>(3,951)</u>	<u>(1,502,009)</u>	<u>-384117313%</u>
TRANSFER TO CAPITAL IMPROVEMENT FUND - Class C Roads	-	-	-	-	-	-	0%
TRANSFER TO CAPITAL IMPROVEMENT FUND	-	-	-	-	-	-	0%
<b>TOTAL OTHER FINANCING USES</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>0%</u>
<b>CURRENT CHANGE IN FUND BALANCE</b>	<u>0</u>	<u>0</u>	<u>(917,089)</u>	<u>(1,498,058)</u>	<u>(3,951)</u>	<u>(1,502,009)</u>	
UNRESTRICTED GENERAL FUND BALANCE - unappropriated (est.)	-	-	-	-	-	-	0%
UNRESTRICTED ASSIGNED GENERAL FUND 6%	899,412	924,392	-	-	-	(924,392)	0%
<b>FUND BALANCE - "EXPECTED"</b>	<u>\$ 899,412</u>	<u>\$ 924,392</u>	<u>\$ (917,089)</u>	<u>\$ (1,498,058)</u>	<u>\$ (3,951)</u>	<u>\$ (2,426,401)</u>	<u>-162%</u>
<b>Fund Balance Expected:</b>							
Unrestricted Assigned General Fund 6 %	\$ 899,412	\$ 924,392	-	-	-	(924,392)	100%
Unrestricted Unassigned General Fund (Current Estimate)	0	-	(917,089)	(1,498,058)	(3,951)	(1,502,009)	



Cottonwood Heights  
45 - Capital Projects Fund  
Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual  
For the Fiscal Period Ending August 31, 2014

REVENUES	ADOPTED BUDGET	AMENDED BUDGET	CURRENT MONTH ACTUAL	YTD ACTUAL	OUTSTANDING CURRENT YTD ENCUMBRANCE	BUDGET VARIANCE POS (NEG)	YTD ACTUAL % OF AMENDED BUDGET
FEDERAL GRANT - CDBG	\$ 121,051	\$ 121,051	\$ -	\$ -	\$ -	\$ (121,051)	0%
STATE GRANT	-	-	-	-	-	-	0%
LOCAL GRANT REVENUE	-	-	-	-	-	-	0%
IMPACT FEES - CURRENT YEAR COLLECTIONS	50,000	50,000	6,509	9,538	-	40,462	0%
INTEREST REVENUES	30,000	30,000	3,166	4,762	-	(25,238)	16%
<b>TOTAL REVENUES</b>	<b>201,051</b>	<b>201,051</b>	<b>9,674</b>	<b>14,300</b>	<b>-</b>	<b>(105,826)</b>	<b>7%</b>
<b>EXPENDITURES</b>							
PAVEMENT MGMT - ROAD CONSTRUCTION	966,926	966,926	11,672	11,672	-	955,254	1%
ADA RAMPS	121,051	121,051	-	-	-	121,051	0%
INTERSECTION IMPROVEMENTS	-	-	-	-	-	-	0%
TRAFFIC CALMING	-	-	-	-	-	-	0%
STORM DRAIN IMPROVEMENTS	25,000	25,000	-	-	-	25,000	0%
CROSS GUTTER REPLACEMENT	-	-	-	-	-	-	0%
SIDEWALK REPLACEMENT	-	-	-	1,788	-	(1,788)	0%
PUBLIC WORKS SITE	1,956,500	1,956,500	-	-	-	1,956,500	0%
BENGAL BLVD	1,351,470	1,351,470	-	-	-	1,351,470	0%
CIP - SUSTAINABILITY PLAN	-	-	-	-	-	-	0%
HAZARD MITIGATION	-	-	-	-	-	-	0%
1700 E RECONSTRUCTION	-	-	-	-	-	-	0%
UNION PK LANDSCAPE/ACMgmt	-	-	-	5,290	-	(5,290)	0%
FT UNION PARK & RIDE	925,000	925,000	-	-	-	925,000	0%
TRAFFIC ADAPTIVE	-	-	-	-	-	-	0%
PIPPEN DR STORM DRAIN	-	-	-	-	-	-	0%
HIGHLAND DR ACCESS RAMP	-	-	-	-	-	-	0%
BROWN SANFORD INV & ASSESSMENT	30,000	30,000	-	-	-	30,000	0%
MISCELLANEOUS SMALL PROJECTS	-	-	-	-	-	-	0%
CITY MUNICIPAL CENTER	10,460,959	10,460,959	39,765	134,876	-	10,326,083	1%
<b>TOTAL EXPENDITURES</b>	<b>15,836,906</b>	<b>15,836,906</b>	<b>51,438</b>	<b>153,826</b>	<b>-</b>	<b>15,683,280</b>	<b>1%</b>
<b>OTHER FINANCING SOURCES (USES)</b>							
TRANSFERS FROM GENERAL FUND	-	-	-	-	-	-	0%
TRANSFERS FROM GENERAL FUND - Class C	-	-	-	-	-	-	0%
RESTRICTED STORM DRAIN IMPACT FUND	-	-	-	-	-	-	100%
REIMBURSEMENTS - SALES TAX REVENUE BOND	-	-	3,937,833	3,937,833	-	(3,937,833)	0%
UNRESTRICTED ASSIGNED CIP FUND - appropriated	15,635,855	15,635,855	-	-	-	15,635,855	0%
<b>TOTAL OTHER FINANCING SOURCES</b>	<b>15,635,855</b>	<b>15,635,855</b>	<b>3,937,833</b>	<b>3,937,833</b>	<b>-</b>	<b>11,698,023</b>	<b>25%</b>
<b>Fund Balance Expected:</b>							
<b>Unrestricted CIP Fund Bal (prior year carried forward projects)</b>	<b>\$ (0)</b>	<b>\$ 1,264,705</b>	<b>1,264,705</b>	<b>1,264,705</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>

Cottonwood Heights  
65-Employee Benefits Fund (an Internal Service Fund)  
Statement of Revenues, Expenditures August 31, 2014

DESCRIPTION	ADOPTED BUDGET	AMENDED BUDGET	CURRENT MONTH ACTUAL	YTD ACTUAL	OUTSTANDING CURRENT YTD ENCUMBRANCE	BUDGET VARIANCE POS (NEG)	YTD ACTUAL % OF AMENDED BUDGET
<b>OPERATING REVENUES</b>							
CHARGES FOR EMPLOYEE BENEFITS	\$ 104,371	\$ 104,371	\$ -	\$ -	\$ -	\$ (104,371)	0%
	104,371	104,371	-	-	-	(104,371)	0%
<b>OPERATING EXPENSES</b>							
EMPLOYEE BENEFIT ACCRUALS	105,271	105,271	-	-	-	105,271	0%
	105,271	105,271	-	-	-	105,271	0%
<b>OPERATING INCOME (LOSS)</b>	(900)	(900)	-	-	-	900	0%
<b>NON-OPERATING REVENUES</b>							
INTEREST REVENUES	900	900	127	253	-	(647)	28%
<b>NON-OPERATING INCOME (LOSS)</b>	900	900	127	253	-	(647)	
Change in Net Position	\$ -	\$ -	\$ 127	\$ 253	\$ -	\$ 253	0%

NOTE: Balance of Liability Account

**NET ACCUMULATED LIABILITY - BEGINNING OF FY**  
**ACCRUED FUTURE LIABILITY ADDED FY2015**  
**NET ACCUMULATED LIABILITY - ENDING OF FY**

\$	317,628
	105,271
\$	422,899

\*\*Calculations & Accruals made at year-end.

Activity Code Summary  
As of  
Aug 31, 2014

Activity Number	Activity Name	Adopted Fiscal Year Budget	Changes to Fiscal Year Budget	Modified Fiscal Year Budget	YTD Expenses	YTD Reimbursements or Revenue	Remaining Budget
401	Activity-Neighborhood Watch	500.00	0.00	500.00	0.00	0.00	500.00
700	Events-Misc. City	4,750.00	0.00	4,750.00	768.33	0.00	3,981.67
702	Events-Meet the Candidates (YCC Sponsor)	500.00	0.00	500.00	0.00	0.00	500.00
703	Events-Halloween Event	750.00	0.00	750.00	0.00	0.00	750.00
704	Events-Emergency Fair	5,000.00	0.00	5,000.00	1,604.73	0.00	3,395.27
733	Events-CWHPRSA Hosting/Sponsor Contract	10,000.00	0.00	10,000.00	10,000.00	0.00	0.00
718	Events-CWHPRC Adult Tennis Classic Sponsorship	1,500.00	0.00	1,500.00	1,500.00	0.00	0.00
719	Events-CWHPRC Movie in the Park Sponsorship	3,000.00	0.00	3,000.00	2,000.00	0.00	1,000.00
721	Events-CWHPRC Turkey Day Run Sponsorship	5,000.00	0.00	5,000.00	0.00	0.00	5,000.00
710	Events-Youth City Council	5,000.00	0.00	5,000.00	0.00	0.00	5,000.00
711	Events-City Birthday Party	15,000.00	0.00	15,000.00	0.00	0.00 RV	15,000.00
713	Events-Bark in the Park/Pooch Plunge	4,000.00	0.00	4,000.00	1,574.67	0.00	2,425.33
716	Events-Easter Egg Hunt	5,500.00	0.00	5,500.00	0.00	0.00	5,500.00
724	Events-Butterville Days and Float	52,000.00	0.00	52,000.00	58,047.57	-17,775.00 Rb	11,727.43
724	Events-Butterville Days Taxable Sales	0.00	0.00	0.00	0.00	-3,717.00 RV	NA
725	Events-History Committee	2,500.00	0.00	2,500.00	937.94	0.00	1,562.06
734	Events-History Markers along Big Cottonwood Trail	8,000.00	0.00	8,000.00	0.00	0.00	8,000.00
726	Events-Biking Committee	500.00	0.00	500.00	0.00	0.00	500.00
727	Events-Arts Council Play	10,000.00	0.00	10,000.00	13,782.71	0.00 Rb	-3,782.71
732	Events-Arts Council Play-carryover from FY2013	0.00	0.00	0.00	0.00	0.00	0.00
727	Events-Arts Council Play Reimbursements/Ticket Sales	0.00	0.00	0.00	0.00	-13,427.00 RV	0.00
727	Events-Arts Council Play Taxable Sales	0.00	0.00	0.00	0.00	-714.75 RV	0.00
732	Events-Arts Council Non Play Activities	0.00	0.00	0.00	643.01	0.00 RV	-643.01
213	Events-Sorenson Literary grant (carryover)	0.00	0.00	0.00	0.00	0.00 RV	0.00
204	Grants-2012-13 ZAP Grant-Arts Council	0.00	0.00	0.00	0.00	0.00 RV	0.00
728	Events-Night Out Against Crime	0.00	0.00	0.00	0.00	0.00 RV	0.00
729	Events-City Awards and Recognition	0.00	0.00	0.00	0.00	0.00	0.00
730	Events-Volunteer Recognition	5,500.00	0.00	5,500.00	500.00	0.00	5,000.00
731	Events-City Banner Program	5,000.00	0.00	5,000.00	0.00	0.00	5,000.00
735	Activity-Golden Hills Park Site/Development Plan	0.00	0.00	0.00	0.00	0.00	0.00
Total		144,000.00	0.00	144,000.00	91,358.96	-35,633.75	70,416.04

1 Budget Amendment-FY2013 carryover

2 Budget Amendment-Other

3 Budget Amendment-FY2014 budget earned revenue

**Capital Projects**

See report on Capital Projects fund 45

# COTTONWOOD HEIGHTS

## RESOLUTION No. 2014-59

### A RESOLUTION AUTHORIZING DISPOSAL OF UNCLAIMED PROPERTY AND/OR PROPERTY NO LONGER NEEDED AS EVIDENCE

**WHEREAS**, UTAH CODE ANN. §§77-24a-1 *et seq.* (the “*Lost Or Mislaid Property Chapter*”) establish the procedures for disposal of lost or mislaid property (“*Lost Property*”) that comes into the possession of a law enforcement agency; and

**WHEREAS**, UTAH CODE ANN. §§24-3-101 to -104 (the “*Property Held As Evidence Chapter*”) (the Property Held as Evidence Chapter and the Lost or Mislaid Property Chapter are collectively referred to herein as the “*Disposal Statutes*”) establish the procedures for disposal by a law enforcement agency of property no longer needed as evidence in connection with any public offense (collectively, “*Evidence*”); and

**WHEREAS**, the Cottonwood Heights Police Department (“*CHPD*”) has identified various items of Lost Property and Evidence (collectively, the “*Property*”) in its possession that are subject to disposition as provided in the Disposal Statutes and has requested the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) to acknowledge CHPD’s possession of the Property; to authorize CHPD to dispose of the Property; and to permit the Property or its proceeds to be applied by CHPD to a public interest use, all as provided in the Disposal Statutes; and

**WHEREAS**, the Council met on 23 September 2014 to consider, among other things, acknowledging CHPD’s possession of the items of Property described on the attached exhibits (the “*List*”); authorizing CHPD to dispose of such items of Property; and permitting the Property or its proceeds to be applied by CHPD to a public interest use, all as provided in the Disposal Statutes; and

**WHEREAS**, after reviewing the List, the Council acknowledges CHPD’s possession of the items of Property listed thereon and, after careful consideration, has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to authorize CHPD’s disposal of such Property and to permit CHPD to apply the Property or the proceeds thereof to a public interest use, all pursuant to the requirements of the Disposal Statutes and such additional noticing and other procedures as CHPD deems appropriate, in its discretion, to assure fairness and transparency;

**NOW THEREFORE, BE IT RESOLVED** by the Cottonwood Heights city council that the Council acknowledges CHPD’s possession of the items of Property shown on the List; authorizes CHPD’s disposal of such Property; and permits CHPD to apply such Property or the proceeds thereof to a public interest use, all pursuant to the requirements of the Disposal Statutes and such additional noticing and other procedures as CHPD deems appropriate, in its discretion, to assure fairness and transparency

This Resolution, assigned no. 2014-59, shall take effect immediately upon passage.

**PASSED AND APPROVED** effective 23 September 2014.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By \_\_\_\_\_  
**Kelvyn H. Cullimore, Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kory Solorio, Recorder**

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea ____ Nay ____
Michael L. Shelton	Yea ____ Nay ____
J. Scott Bracken	Yea ____ Nay ____
Michael J. Peterson	Yea ____ Nay ____
Tee W. Tyler	Yea ____ Nay ____

**DEPOSITED** in the office of the City Recorder this 23<sup>rd</sup> day of September 2014.

**RECORDED** this \_\_\_\_ day of September 2014.

PROPERTY ROOM PICK UP  
October 2014

COTTONWOOD HEIGHTS POLICE DEPT.  
801-944-7100

SHEILA JENNINGS  
801-944-7032

PR-SKU	DESCRIPTION	CASE #	SERIAL #	EVIDENCE #	TYPE
JEWELRY					
1579-00592	NECKLACES	12X003213		120500168	EVID
	KENNETH COLE WATCH	12X002540		120400226	EVID
	WOMEN'S WATCH	12X006823		121000263	EVID
GENERAL ITEMS					
1579-00594	VIDEO GAMES	12X002540		120400237	EVID
1579-00595	NIKE BAG	12X002540		120400237	EVID
1579-00598	HP LAPTOP PAVILLION DV6	12X002540	X16-96072	120500023	EVID
1579-00599	WALLET	13X006705		131100175	EVID
1579-00600	BLACK WALLET	12X007426		121100258	EVID
1579-00601	BAG OF CLOTHES	12X000670		120200039	EVID
1579-00602	BAG OF CLOTHES	12X000670		120200038	EVID
1579-00603	BAG OF CLOTHES/SHOES	12X000670		120200037	EVID
1579-00604	CLOTHES	13X000202		130400071	EVID
1579-00605	BACKPACK	13X000202		130400071	EVID
1579-00606	HELMET	13X000202		130400071	EVID
1579-00607	BOOTS	13X000202		130400071	EVID
1579-00608	FLASHLIGHT	13X000202		130400071	EVID
1579-00609	IPHONE CASE	13X000202		130400071	EVID
1579-00610	GOGGLES	13X000202		130400071	EVID
1579-00611	GLOVES	13X000202		130400071	EVID
1579-00612	HEADLAMP	13X000202		130400071	EVID
1579-00613	HAT	12x006911		121100136	EVID
1579-00614	COPPER	12x004719		120800011	EVID
1579-00615	SUNGLASSES	13X000202		130400071	EVID
1579-00616	SUNGLASSES	13X000202		130400071	EVID
1579-00617	POT (FOR PLANTS)	12X003804		120600241	EVID
1579-00618	GLOVES	13X000202		130400071	EVID
1579-00619	LEATHER GLOVES	13X000202		130400071	EVID
1579-00620	NIKE BAG	13X000202		130400071	EVID
1579-00621	BINOCULARS	13X000202		130400071	EVID
1579-00622	UNDER ARMOR BAG	12X004950		120800108	EVID
1579-00623	GREEN BAG	12X006823		121000527	EVID

## PROPERTY ROOM PICK UP

October 2014

## COTTONWOOD HEIGHTS POLICE DEPT.

801-944-7100

SHEILA JENNINGS

801-944-7032

1579-00624	BLACK BAG	12X006823		121000528	EVID
1579-00625	BLACK BAG / VIDEO GAMES	12X002540		120400477	EVID
1579-00626	BINOCULARS	12X002540		120400477	EVID
1579-00627	3 PAIR LEVIS (NEW)	12X000346		120100140	EVID
1579-00669	HOLSTER	11X002009		110400088	EVID
1579-00670	JEWELRY BOXES	12X001094		120200138	EVID
1579-00671	GLASS JEWELRY BOX	10X005291		100800072	EVID
1579-00672	ACER NETBOOK COMPUTER	12X006318	2006dj2341	121000086	EVID
1579-00673	SMALL BLACK BAG	12X004032		120700005	EVID
1579-00674	2 HOLSTERS	12X005871		120900116	EVID
1579-00675	GREY TOOL BOX	13X001223		130200243	FOUND
1579000676	CORD W ELECTRIC BOX	12X005871		120900102	EVID
1579000677	UNDER ARMOR HAT	12X005998		120900173	EVID
1579000678	BLACK PURSE	12X005998		120900200	EVID
1579000679	CLOTH BOOK / SUNGLASSES	12X005998		120900176	EVID
1579000680	BLACK BACKPACK	12X005998		120900202	EVID
1579000681	BLACK PURSE	12X005998		120900201	EVID
1579000682	BLACK/BROWN HANDBAG	12X005998		120900228	EVID
1579000683	MUSIC VIDEO CDS	13X001456		130300113	EVID
1579000684	HEWLET PACKARD COMPUTER	12X005998	CNUO-163MSW	120900196	EVID
1579000685	HEWLET PACKARD COMPUTER	12X005998	CNF72006SL	120900197	EVID
1579000686	HEWLET PACKARD COMPUTER	12X005998	CNF70113RC	120900198	EVID
1579000687	BLACK ROBE /JEWELRY BOX	13X001468		130300115	EVID
1579000697	CONTAINER / BAG	12X005414		120800287	EVID
1579000698	MACHETE/ KNIFE	12X004878		120800081	EVID
1579000695	LIGHT	12X005871		120900104	EVID
1579000693	LIGHT	12X005871		120900107	EVID
1579000692	TOOL/POWERWASHER	12X000346	16016810088288	120100144	EVID
1579000690	BEDDING	12X000346		120100156	EVID
1579000691	FAUCET	12X000346		120100155	EVID
1579000694	HEATER	12X005871		120900101	EVID
1579000699	COMPUTER	12X005414	W851820BS02	120800304	EVID
1579000696	AIR CONDITIONER	12X005871	8614136	120900103	EVID
1579000688	LIGHT	12X005871		120900105	EVID

PROPERTY ROOM PICK UP  
October 2014

COTTONWOOD HEIGHTS POLICE DEPT.  
801-944-7100

SHEILA JENNINGS  
801-944-7032

1579000689	LIGHT	12X005871		120900106	EVID
1579000758	TV	12X005998	LJPAHAG4200365	120900210	EVID
PHONES					
1579-00591	2 SAMSUNG PHONES	12X002540		120400236	EVID
	LG	12X005593		120900018	EVID
	I PHONE	12X005593		120900018	EVID
	MY TOUCH	12X005593		120900018	EVID
	AT&T LG	12X005998		120900203	EVID
	T MOBILE PHONE	14X001493		140300156	FND
	SAMSUNG	12X005198		120800191	EVID
	APPLE IPHONE	12X000625		120200016	EVID
	2HTC PHONES	12X005998		120900170	EVID
	1 NOKIA PHONE	12X006823		121000265	EVID
	KYOCERA PHONE	12X006823		121000266	EVID
	1 SAMSUNG GALAXY	12X006823		121000267	EVID
KNIVES					
1579-00596	2 KNIVES	12X004413		120700171	EVID
	1 FOLDING KNIFE	14X000822		140200156	FOUND
	1 FOLDING KNIFE	12X001299		120300014	EVID
	3 FOLDING KNIFE	12X007347		121100193	EVID
	GERBER FOLDING KNIFE			140300066	EVID
	KIWI KNIFE			120800070	EVID
	REMINGTON FOLDING KNIFE			120200066	EVID
	GERBER KNIFE	12X005871		120200017	EVID
	KNIFE	14X001057		120900116	EVID
TOOLS				140300006	FND
1579-000597	SCISSORS	12X003386		120600050	EVID
	SCREWDRIVER	12X007820		121200118	EVID
	STANLEY PLIERS	12X007820		121200117	EVID
	CROWBAR	12X007820		121200117	EVID
	LEATHERMAN	13X000202		130400071	EVID
	BOLT CUTTER	12X004719		120800016	EVID
	DEWALT GRINDER	14X000362		140300079	FOUND
ELECTRONICS					



PROPERTY ROOM PICK UP  
October 2014

COTTONWOOD HEIGHTS POLICE DEPT.  
801-944-7100

SHEILA JENNINGS  
801-944-7032

1579-000593	DRE HEADPHONES	12X002540		120400235	EVID
	4 I-PODS	12X002540		120400231	EVID
	MULTIPLE CORDS	12X002540		120400233	EVID
	1 GO CHARGER	14X001721		140400152	FOUND
	UNIDEN SCANNER	12X004480		120700221	EVID
	IPAD	12X005593		120900018	EVID
	ASSORTED CHARGERS	13X000202		130400071	EVID

PROPERTY ROOM PICK UP  
October 2014

COTTONWOOD HEIGHTS POLICE DEPT.  
801-944-7100

SHEILA JENNINGS  
801-944-7032

PROPERTY ROOM PICK UP  
October 2014

COTTONWOOD HEIGHTS POLICE DEPT.  
801-944-7100

SHEILA JENNINGS  
801-944-7032

PROPERTY ROOM PICK UP  
October 2014

COTTONWOOD HEIGHTS POLICE DEPT.  
801-944-7100

SHEILA JENNINGS  
801-944-7032

Type= Sto/Rec, Fnd, Evi

# COTTONWOOD HEIGHTS

## RESOLUTION No. 2014-60

### A RESOLUTION APPROVING TERMINATION OF AN EASEMENT (OLD MILL FENCE MAINTENANCE EASEMENT)

**WHEREAS**, effective 15 September 2010, the city of Cottonwood Heights (“City”) entered into a series of “Fence Agreement” documents (the “*Fence Agreements*”) with the owners (“*Owners*”) of legal title to the six parcels of real property (the “*Parcels*”) that are located at 3123 East Walker Mill Drive, 3135 East Walker Mill Drive, 3147 East Walker Mill Drive, 3163 East Walker Mill Drive, 3179 East Walker Mill Drive and 3195 East Walker Mill Drive in Cottonwood Heights, Salt Lake County, UT; and

**WHEREAS**, the Fence Agreements subsequently were recorded as encumbrances against the Parcels in the office of the Recorder of Salt Lake County (“*County*”); and

**WHEREAS**, pursuant to the Fence Agreements, City agreed to construct a privacy fence along the rear lot line of the Parcels, and Owners granted to City and its contractors an easement (the “*Original Easement*”) for construction and future access purposes across the Parcels as provided in section 1(c) of the Fence Agreements; and

**WHEREAS**, section 1(c) of the Fence Agreements also provides that City would (a) endeavor to obtain a substitute easement (the “*Substitute Easement*”) from County to replace the Original Easement, and (b) terminate the Original Easement on the Parcels when the Substitute Easement was granted by County; and

**WHEREAS**, effective 26 August 2014, County granted the Substitute Easement to City, and the grant of the Substitute Easement now has been recorded with County’s Recorder; and

**WHEREAS**, City’s city council (the “*Council*”) met on 23 September 2014 to consider, among other things, approving City’s termination of the Original Easement through execution, delivery and recording of a “Termination of Easement” document (the “*Termination Agreement*”) in the form attached as an exhibit to this resolution; and

**WHEREAS**, the Council has reviewed the Termination Agreement and is familiar with its terms; and

**WHEREAS**, in view of its receipt of the Substitute Easement from County, the Original Easement is superfluous and should be terminated by City as provided in the Fence Agreements;

**NOW THEREFORE, BE IT RESOLVED** by the Cottonwood Heights city council that the Council approves termination of the Original Easement, and hereby authorizes and directs City’s mayor and recorder to execute, acknowledge, deliver and record the Termination Agreement to evidence termination of the Original Easement.

This Resolution, assigned no. 2014-60, shall take effect immediately upon passage.

**PASSED AND APPROVED** effective 23 September 2014.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By \_\_\_\_\_  
**Kelvyn H. Cullimore, Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kory Solorio, Recorder**

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea ____	Nay ____
Michael L. Shelton	Yea ____	Nay ____
J. Scott Bracken	Yea ____	Nay ____
Michael J. Peterson	Yea ____	Nay ____
Tee W. Tyler	Yea ____	Nay ____

**DEPOSITED** in the office of the City Recorder this 23<sup>rd</sup> day of September 2014.

**RECORDED** this \_\_\_\_ day of September 2014.

**WHEN RECORDED, MAIL TO:**

COTTONWOOD HEIGHTS  
1265 East Fort Union Blvd., Suite 250  
Cottonwood Heights, UT 84047

Attn.: City Recorder

---

SPACE ABOVE FOR RECORDER'S USE

## Termination of Easement

**THIS TERMINATION OF EASEMENT** (this "*Agreement*") is made effective 23 September 2014 by **COTTONWOOD HEIGHTS**, a Utah municipality whose address is 1265 East Fort Union Blvd., Suite 250, Cottonwood Heights, UT 84047 ("*City*").

### **RECITALS:**

A. Effective 15 September 2010, City entered into a series of "Fence Agreement" documents (the "*Fence Agreements*") with the owners ("*Owners*") of legal title to the six parcels of real property (the "*Parcels*") that are located at 3123 East Walker Mill Drive, 3135 East Walker Mill Drive, 3147 East Walker Mill Drive, 3163 East Walker Mill Drive, 3179 East Walker Mill Drive and 3195 East Walker Mill Drive in Cottonwood Heights, Salt Lake County, UT and that are particularly described on the attached exhibit. The Fence Agreements subsequently were recorded as encumbrances against the Parcels in the office of the Recorder of Salt Lake County ("*County*").

B. Pursuant to the Fence Agreements, City agreed to construct a privacy fence along the rear lot line of the Parcels, and Owners granted to City and its contractors an easement (the "*Original Easement*") for construction and future access purposes across the Parcels as provided in section 1(c) of the Fence Agreements.

C. Section 1(c) of the Fence Agreements also provides that City would (i) endeavor to obtain a substitute easement (the "*Substitute Easement*") from County to replace the Original Easement, and (ii) terminate the Original Easement on the Parcels when the Substitute Easement was granted by County.

D. Effective 26 August 2014, County granted the Substitute Easement to City. Consequently, City now intends to terminate the Original Easement on the Parcels.

**NOW THEREFORE**, City hereby irrevocably terminates the Original Easement on the Parcels, effective immediately.

**DATED** effective the date first-above written.

**CITY:**

**ATTEST:**

**COTTONWOOD HEIGHTS**, a Utah municipality

---

**Kory Solorio**, Recorder

By: \_\_\_\_\_,  
**Kelvyn H. Cullimore, Jr.**, Mayor

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE)

On \_\_ September 2014, personally appeared before me **Kelvyn H. Cullimore, Jr.** and **Kory Solorio**, who duly acknowledged to me that they executed the foregoing “Termination of Easement” as the mayor and the recorder, respectively, of **COTTONWOOD HEIGHTS**, a Utah municipality.

\_\_\_\_\_  
Notary Public



# Exhibit to Fence Agreement

## **Parcel 1:**

Lot 1, OLD MILL ESTATES PLAT “B,” according to the official plat thereof on file and of record in the office of the Recorder of Salt Lake County, Utah.

Parcel No. 22-23-401-008

## **Parcel 2:**

Lot 2, OLD MILL ESTATES PLAT “B,” according to the official plat thereof on file and of record in the office of the Recorder of Salt Lake County, Utah.

Parcel No. 22-23-401-009

## **Parcel 3:**

Lots 3, OLD MILL ESTATES PLAT “B,” according to the official plat thereof on file and of record in the office of the Recorder of Salt Lake County, Utah.

Parcel No. 22-23-401-010

## **Parcel 4:**

Lot 4, OLD MILL ESTATES PLAT “B,” according to the official plat thereof on file and of record in the office of the Recorder of Salt Lake County, Utah.

Parcel No. 22-23-401-011

## **Parcel 5:**

LOT 23, OLD MILL ESTATES PLAT “A,” according to the official plat thereof on file and of record in the office of the Recorder of Salt Lake County, Utah.

Parcel No. 22-23-451-049

## **Parcel 6:**

Lot 24, OLD MILL ESTATES PLAT “A,” according to the official plat thereof on file and of record in the office of the Recorder of Salt Lake County, Utah.

Parcel No. 22-23-451-050

# COTTONWOOD HEIGHTS

## RESOLUTION No. 2014-61

### A RESOLUTION APPROVING ENTRY INTO AN INTERLOCAL COOPERATIVE AGREEMENT WITH MURRAY CITY FOR CONVEYANCE OF A SPILLMAN-COMPATIBLE COMPUTER SERVER

**WHEREAS**, UTAH CODE ANN. 11-13-202 and other provisions of the Interlocal Cooperation Act (UTAH CODE ANN. 11-13-101 *et seq.*) (the “Act”) provide that any two or more public agencies may enter into an agreement with one another for joint or cooperative action; and

**WHEREAS**, section 11-13-214 of the Act provides that a public agency may convey property to another public agency for consideration as may be agreed upon; and

**WHEREAS**, the city of Cottonwood Heights (the “City”) and Murray City (“Murray”) are public agencies for purposes of the Act and, as contiguous municipalities, the City and Murray often collaborate on various issues of common interest; and

**WHEREAS**, the City owns a surplus IBM Power 720 server (model 8202-E4B, serial number 06E8CCP) (the “Server”), which is suitable for use in municipal law enforcement activities using Spillman software; and

**WHEREAS**, Murray is in need of a Spillman-compatible server, and desires to obtain the Server from the City; and

**WHEREAS**, the City desires to convey the Server (a) in consideration of Murray allowing the City’s police officers to use Murray’s police “shooting range” on such basis as Murray deems acceptable, and (b) to enhance law enforcement capabilities in the geographical area of the Salt Lake Valley where the City and Murray are located; and

**WHEREAS**, consequently, it is proposed that Murray and the City jointly will enter into an interlocal cooperative agreement (the “Agreement”) whereunder the City will convey the Server to Murray on the terms and conditions specified in the Agreement; and

**WHEREAS**, the City’s municipal council (the “Council”) met in regular session on 23 September 2014 to consider, among other things, approving the City’s entry into the Agreement; and

**WHEREAS**, the Council has reviewed the form of the Agreement, a photocopy of which is annexed hereto; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve the City’s entry into the Agreement as proposed;

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Cottonwood

Heights that the attached Agreement with Murray be, and hereby is, approved, and that the City's mayor and recorder are authorized and directed to execute and deliver the Agreement on behalf of the City.

This Resolution, assigned no. 2014-61, shall take effect immediately upon passage.

**PASSED AND APPROVED** this 23<sup>rd</sup> day of September 2014.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By \_\_\_\_\_  
**Kelvyn H. Cullimore, Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kory Solorio, Recorder**

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea ____ Nay ____
Michael L. Shelton	Yea ____ Nay ____
J. Scott Bracken	Yea ____ Nay ____
Michael J. Peterson	Yea ____ Nay ____
Tee W. Tyler	Yea ____ Nay ____

**DEPOSITED** in the office of the City Recorder this 23<sup>rd</sup> day of September 2014.

**RECORDED** this \_\_\_\_ day of September 2014.

# Interlocal Cooperation Agreement

**THIS INTERLOCAL COOPERATION AGREEMENT** (this “*Agreement*”) is made effective 23 September 2014 by and between **MURRAY CITY CORPORATION**, a Utah municipal corporation (“*Murray*”), and **COTTONWOOD HEIGHTS**, a Utah municipal corporation (“*Cottonwood Heights*”).

## **RECITALS:**

A. UTAH CODE ANN. 11-13-202 and other provisions of the Interlocal Cooperation Act (UTAH CODE ANN. 11-13-101 *et seq.*) (the “*Act*”) provide that any two or more public agencies may enter into an agreement with one another for joint or cooperative action.

B. Section 11-13-214 of the Act provides that a public agency may convey property to another public agency for consideration as may be agreed upon.

C. The parties are public agencies for purposes of the Act. As contiguous municipalities, Murray and Cottonwood Heights collaborate on various issues pursuant to other interlocal agreements between them.

E. Cottonwood Heights owns a surplus IBM Power 720 server (model 8202-E4B, serial number 06E8CCP) (the “*Server*”), which is suitable for use in municipal law enforcement activities using Spillman software.

E. Murray is in need of a Spillman-compatible server, and desires to obtain the Server from Cottonwood Heights.

F. Cottonwood Heights desires to convey the Server (1) in consideration of Murray allowing Cottonwood Heights’ police to use Murray’s police “shooting range” on such basis as Murray deems acceptable, and (2) to enhance law enforcement capabilities in the geographical area of the Salt Lake Valley where Cottonwood Heights and Murray are located.

G. The parties desire to memorialize their agreement concerning Cottonwood Heights’ conveyance of the Server to Murray for the purposes, and on the terms and conditions, specified in this Agreement.

## **AGREEMENT:**

**NOW, THEREFORE**, the parties agree as follows:

Section 1. **Conveyance of Server.** Cottonwood Heights hereby **sells, assigns, conveys** and **transfers** the Server to Murray. Such conveyance is “**AS IS, WHERE IS,**” with all faults, and without any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose. The foregoing exclusion of warranties does not include the warranty of title to the Server, however, and Cottonwood Heights warrants that it is the owner of the Server and has the right to convey legal title to the Server to Murray as provided in this Agreement.

Section 2. **Additional Act Provisions.** In compliance with the requirements of the Act and other applicable law:

(a) No Separate Entity. The parties agree that they do not by this Agreement create an interlocal entity.

(b) Joint Board. As required by UTAH CODE ANN. Section 11-13-207, the parties agree that the cooperative undertaking under this Agreement shall be administered by a joint board consisting of Murray's Mayor or designee and Cottonwood Heights' Manager or designee. Any real or personal property used in the parties' cooperative undertaking herein shall be acquired, held, and disposed of in accordance with this Agreement.

(c) Financing and Joint Cooperative Undertaking and Establishing Budget. There is no financing of joint or cooperative undertaking and no budget shall be established or maintained.

(d) Attorney Review. This Agreement shall be reviewed as to proper form and compliance with applicable law by the authorized attorneys for Murray and Cottonwood Heights in accordance with UTAH CODE ANN. Section 11-13-202.5.

(e) Copies. Duly executed original counterparts of this Agreement shall be filed with the keeper of the records of each party pursuant to UTAH CODE ANN. Section 11-13-209.

Section 3. **General Provisions.** The following provisions are also integral parts of this Agreement:

(a) Binding Agreement. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the respective parties.

(b) Captions. The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope or interpretation of any of the terms or provisions of this Agreement or the intent hereof.

(c) Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures upon any counterpart were upon the same instrument. All signed counterparts shall be deemed to be one original.

(d) Severability. The provisions of this Agreement are severable, and should any provision hereof be void, voidable, unenforceable or invalid, such void, voidable, unenforceable, or invalid provision shall not affect the other provision of this Agreement.

(e) Waiver of Breach. Any waiver by either party of any breach of any kind or character whatsoever by the other, whether such be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this Agreement.

(f) Amendment. This Agreement may not be modified except by an instrument in writing signed by the parties.

(g) Time of Essence. Time is of the essence in this Agreement.

(h) Interpretation. This Agreement shall be interpreted, construed, and enforced according to the substantive laws of the state of Utah.

(i) Notice. Any notice or other communication required or permitted to be given hereunder shall be deemed to have been received:

(i) Upon personal delivery or actual receipt thereof; or

(ii) Within three (3) days after such notice is deposited in the United States mail, certified mail postage prepaid and addressed to the parties at their respective addresses.

(j) Exhibits and Recitals. The Recitals set forth above and all exhibits to this Agreement are incorporated herein to the same extent as if such items were set forth herein in their entirety within the body of the Agreement.

(k) Governmental Immunity. Both parties are governmental entities under the Governmental Immunity Act, UTAH CODE ANN. Section 63G-7-101 *et. seq.* (the “*Immunity Act*”). Consistent with the terms of the Immunity Act, the parties agree that each party is responsible and liable for the wrongful or negligent acts which it commits or which are committed by its agents, officials, or employees. Neither party waives any defenses or limits of liability otherwise available under the Immunity Act and all other applicable law, and both parties maintain all privileges, immunities, and other rights granted by the Immunity Act and all other applicable laws.

(l) Ethical Standards. The parties represent that they have not:

(i) Provided an illegal gift or payoff to any officer, employee, or former officer or employee, or to any relative or business entity of an officer or employee, or relative or business entity of a former officer or employee of the other party; or

(ii) Retained any person to solicit or secure this Agreement upon any contract, agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; or

(iii) Breached any ethical standards set forth in State statute or municipal ordinance; or

(iv) Knowingly influenced, and hereby certify that they will not knowingly influence, any officer or employee to breach any of the ethical standards set forth in the State statute or municipal ordinances.

**IN WITNESS WHEREOF**, Murray, by Resolution duly adopted by its City Council, caused this Agreement to be signed by its Mayor and attested by its City Recorder; and

Cottonwood Heights, by Resolution of its City Council, caused this Agreement to be signed by the Mayor and attested by its City Recorder.

**ATTEST:**

**COTTONWOOD HEIGHTS**

\_\_\_\_\_  
*Kory Solorio*, City Recorder

\_\_\_\_\_  
*Kelvyn H. Cullimore, Jr.*, Mayor

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of September 2014 by **Kelvyn H. Cullimore, Jr.** and **Kory Solorio** as the Mayor and the Recorder, respectively, of Cottonwood Heights, a Utah municipality.

\_\_\_\_\_  
NOTARY PUBLIC

Approved and reviewed as to proper form and compliance with applicable law:

\_\_\_\_\_  
*Wm. Shane Topham*,  
Cottonwood Heights City Attorney  
Date: 23 September 2014

ATTEST:

MURRAY CITY CORPORATION

\_\_\_\_\_  
*Jennifer Kennedy*, City Recorder

\_\_\_\_\_  
*David Ted Eyre*, Mayor

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of September 2014 by **David Ted Eyre** and **Jennifer Kennedy** as the Mayor and the Recorder, respectively, of **MURRAY CITY CORPORATION**, a Utah municipal corporation and political subdivision.

\_\_\_\_\_  
Notary Public

Approved and reviewed as to proper form and compliance with applicable law:

\_\_\_\_\_  
*Frank Nakamura*, City Attorney  
Date: \_\_ September 2014